

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REUBEN ROMANO,

Plaintiff(s),

08cv0634

ELECTRONICALLY FILED

v.

WILLIAMS & FUDGE, INC.,

Defendant(s).

Order on Motion in Limine (Doc. No. 66)

Pending before this Court is defendant's motion in limine (doc. no. 66) to exclude evidence of any alleged harassment by plaintiff's father and any damages caused by plaintiff's father's conduct, including a criminal complaint recently made by plaintiff's sister against the father. Defendant also seeks to exclude evidence that plaintiff had paid his account with Duquesne University. After careful consideration of defendant's motion and supporting documentation (doc. nos. 66 and 67) and plaintiff's response in opposition thereto (doc. no. 68), the Court hereby orders that said motion in limine is DENIED.

First, regarding evidence of any alleged harassment by plaintiff's father, and damages that flowed therefrom, the Court finds that the actions of plaintiff's father do not constitute a superseding cause as a matter of law. Rather, the disclosure of plaintiff's debt and plaintiff's contact information to defendant's father and the harm that allegedly resulted therefrom was reasonably foreseeable.

Second, to the extent defendant argues that it was prejudiced by plaintiff, the Court finds that defendant suffered no prejudice as these complained of facts were disclosed to defendant through the plaintiff's deposition, plaintiff's pretrial statements and proffers. However, out of

abundance of caution, defendant may take a two hour deposition of plaintiff, limited to the issues raised in the motion in limine, immediately following the Pretrial Conference on 12/16/08 in the Jury Room of this Court.

SO ORDERED this 15th day of December, 2008.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties